

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

RICHARD JULIUS DONALDSON
Reg. #16787-040

PLAINTIFF

v.

Case No. 2:21-cv-00034 LPR

DEWAYNE HENDRIX, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Partial Recommendation (PFPR) submitted by United States Magistrate Judge Patricia S. Harris (Doc. 64). No objections have been filed and the time to do so has expired. After a careful and *de novo* review of the PFPR and the record, the Court concludes that the PFPR should be, and hereby is, approved and adopted in its entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:

1. The Motions to Dismiss Donaldson's Second Amended Complaint filed by Dr. Maharaj Alejandro Tomar (Doc. 28) and by Warden DeWayne Hendrix (Doc. 38) are denied as moot.¹
2. Any claims against United States Attorney General Merrick Garland are dismissed for failure to state a claim upon which relief may be granted.²
3. Dr. Sheila S. Woodard is dismissed as a defendant in this case.

¹ The Court notes that its September 15, 2022 Order (Doc. 51) gave Defendants an opportunity to "renew their" motions to dismiss or "file new" motions to dismiss after Mr. Donaldson filed his Third Amended Complaint. *Id.* at 1. Warden Hendrix took the Court up on this offer. Dr. Tomar did not, instead choosing to only file an Answer to the Third Amended Complaint.

² As noted in the PFPR, the United States, not the Attorney General, remains the Defendant with respect to the live FTCA claims.

4. The Motion to Dismiss filed by Warden Hendrix (Doc. 55) is granted; Donaldson's claims against Hendrix are dismissed without prejudice for failure to state a claim upon which relief may be granted.

IT IS SO ORDERED this 11th day of April 2023.

A handwritten signature in black ink, appearing to read 'L. P. Rudofsky', with a long horizontal line extending to the right.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE